

This record is a partial extract of the original cable. The full text of the original cable is not available.

UNCLAS SECTION 01 OF 03 BELGRADE 000054

SIPDIS

SENSITIVE

E.O. 12958: N/A

TAGS: [PGOV](#) [PREL](#) [MW](#) [SR](#)

SUBJECT: MONTENEGRIN INDEPENDENCE REFERENDUM NOTES: EU ENVOY LAJCAK PROPOSES 'KEY PRINCIPLES'

SENSITIVE BUT UNCLASSIFIED - PLEASE HANDLE ACCORDINGLY

REF: 2005 Belgrade 2185

1. (SBU) Summary: EU Envoy Lajcak has widely circulated "Key Principles" for the referendum process, which have even appeared in the press (text below). Lajcak told Consulate January 12 that he is focused on "parliamentary and systemic" solutions, rejecting opposition proposals for a national unity government and placing opposition "co-heads" in police and media bodies. Lajcak says the talks will start January 23, and believes they can be concluded by the end of February, which would allow a vote by the end of April. Lajcak's confident planning to a referendum is a refreshing change from earlier EU hopes to see the vote postponed. We should support Lajcak's efforts not only to reach the necessary compromise, but also to plan the implementation of the referendum. End summary.

Meetings to Start January 23 on "Technical" Issues

2. (U) Lajcak told Consulate Podgorica January 12 that the process of working out the rules for the referendum would start January 23. (Discussions about alleged irregularities in a December 29 local by-election will occupy Parliament the week of January 16.) The talks will start with a focus on "technical" issues such as access to the media, and be conducted in the Parliament building, with Lajcak (at least initially) shuttling between the government and the opposition. Talks will also be held at the party leader level. Lajcak expects talks to conclude by the end of February, with agreement reached both on how to strengthen the legal framework and on non-binding issues, such as an agreement that MPs will respect the results of the referendum vote in any post-vote parliamentary decisions (Reftel).

3. (SBU) Speaker of Parliament Ranko Krivokapic told Lajcak he would finesse the issue of the February 7 parliament session, at which the GOM initially planned to formally table the President's request for an independence referendum. The session will be called into order, and immediately adjourned, according to Krivokapic's proposal.

4. (SBU) Lajcak has rejected opposition proposals for a national unity government, or placing opposition "co-chairs" in the police and public media, noting that acceptance of such proposals would imply that Montenegro's systems and structures are inadequate and do not meet European standards. He said the talks should focus instead on "parliamentary and systemic" solutions.

Referendum: Legitimacy of the Vote

5. (SBU) Lajcak will defer discussion of qualified majorities, super-majorities, and the like, until later in the talks. He observed to our Consulate that there was no sense in a "compromise" figure between having independence approved by 40 percent of registered voters (the GOM position), and 50 percent plus one (the opposition position). (Comment: If forced to arbitrate, we suspect but do not know that Lajcak would pick 40 percent.) Lajcak is also considering a third course, where the referendum poses two alternative questions. The first would ask if the voter supported Montenegrin independence, and the second whether the voter supported continuation of the State Union. Each voter would vote yes on either question one or question two. The referendum vote would be valid if 50 percent plus one of all registered voters cast a ballot. In that event, whichever question got a majority of votes cast would win. Lajcak observed that this avoids the problem where voters who abstain, for any reason, essentially count as "no" votes.

The Belgrade Angle

6. Lajcak noted that he met with Serbian PM Kostunica's advisors Samardzic and Jankovic on January 11. They stressed that Serb People's Party (SNS) leader Andrija

Mandic is "ready to talk" to Lajcak. Lajcak added that as long as Mandic was abstaining from the parliamentary discussions, he saw no need to reach out to SNS. Lajcak observed that in his meetings with the rest of the opposition on January 12, they were "not worried" about the SNS boycott of the talks. To the contrary, they appeared "happy to have the SNS sit this one out."

#### Post-Referendum Realities

17. (SBU) SaM President Marovic told Lajcak he was concerned that "no one cares about the day after" the referendum. Lajcak told Consulate officers that Serbian PM Kostunica was particularly determined not to do any planning for the post-referendum period, regardless of the outcome. That does not mean that Kostunica is neutral however, observed Lajcak, who agreed with our suggestion that the Serbian media should be asked to follow the "code of conduct" developed for the Montenegrin media.

#### Comment

18. (SBU) Based on our conversations, we agree that some, but not all, pro-Union politicians are refusing to think about the day after. Others, particularly SNP leader Predrag Bulatovic, are quietly sniffing out survival strategies following a potential loss in the referendum. Pro-independence politicians are developing detailed strategies for either contingency.

19. (SBU) The number of issues Ambassador Lajcak intends to address before a referendum is announced is daunting (para. 10), but he is confident the task is doable by the end of February. True enough, assuming the political will is there. We have been impressed so far by Lajcak's grasp of the issues and his diplomatic skills. His efforts so far deserves our support, both in achieving the political compromise and in implementing the referendum itself.

110. (U) Full text of Ambassador Lajcak's key principles follows.

Begin text:

#### KEY PRINCIPLES OF A DEMOCRATIC REFERENDUM PROCESS IN THE REPUBLIC OF MONTENEGRO

Below are some fundamental issues/principles of a democratic referendum process, which we suggest to be considered prior to the announcement of a referendum.

#### LEGISLATIVE FRAMEWORK

The legislation applicable to conducting the referendum on the state status should be improved in line with OSCE/ODIHR and Council of Europe recommendations to ensure that the legislative framework is comprehensive, detailed unambiguous. The current Law on Referendum should be either amended or, alternatively, a special law on referendum on the state status could be adopted.

Provisions promoting a level playing field in referendum campaign should be introduced in the relevant legislation.

#### MAJORITY REQUIREMENTS

Consideration should be given to adoption of some specific majority that should be required to decide on the state status.

#### REFERENDUM QUESTION

The wording of the referendum question should be clear and precise. Procedure for adoption of a referendum question should be detailed in the law. Holding of a referendum with two alternative questions (with positive options only) could be considered.

#### REFERENDUM CAMPAIGN

Detailed regulations should be introduced to specify all aspects of the referendum campaign. In general, the provisions regulating the conduct of the referendum campaign should ensure transparency of the process and a level playing field. The regulatory framework should provide for both sides (YES and NO) to have equitable campaign opportunities.

State and political party functions should be separated. Any form of discrimination or political pressure on public employees should be clearly prohibited. Police should ensure absolute neutrality.

#### ACCESS TO MEDIA

Both sides of the referendum spectrum should have equal

access to campaigning on public radio, television and print media. Public media should undertake non-partisan voter information activities and grant free airtime to the YES and NO campaigns on an equal basis. Coverage of the referendum in the public media should be politically balanced and unbiased. The private media organizations should develop a Code of Conduct on good editorial practices to be signed and observed on a voluntary basis. Regulatory and self-regulatory bodies should be empowered to sufficiently implement the regulatory framework, warn and adequately act upon breaches of applicable legislation and standards by the media during the referendum campaign. Paid political advertising in the media should be clearly marked.

#### FINANCING OF THE REFERENDUM CAMPAIGN

Provisions contained in the Law on Financing Political Parties regarding campaign expenditure limits and reporting requirements should be reviewed to assess their application to referendum campaigns. The manner of scrutinising campaign accounts should be set out in the legislation regulating the referendum, with a view to guaranteeing full transparency.

Imposing limits of individual donations for referendum campaigns should be considered. Political parties, which will choose not to participate in the referendum, should not receive public funds for the referendum campaign.

#### ADMINISTRATION OF THE REFERENDUM

Plurality of political interests should be guaranteed in the membership of the referendum administration bodies at all levels (republic, municipal and polling boards). No political party should be in a position to dominate the administration of the referendum.

The legislation should ensure that all eligible citizens are granted the opportunity to vote, including hospitalised persons and voters serving the military on the territory of the Republic.

The referendum results should be published promptly after the holding of the referendum. Consideration should be given to measures, which would enhance the transparency of the tabulation (and recounting) of the results.

#### OBSERVATION OF THE REFERENDUM PROCESS

The authorities calling for a referendum should invite, in a timely manner, the relevant international election observer organizations, including OSCE/ODIHR, the Council of Europe and the European Parliament. In addition, domestic monitoring organizations should be accredited to observe the entire referendum process.

End text.

POLT